


Entered - 01/02/01 - sb
CL01L0008 - DIANNE C. MITCHELL

01-*L* -1371

CLAIM OF: **VANESSA MCDERMOTT,**
through her attorney,
Derek M. Wright
2001 Martin Luther King, Jr. Drive
Suite 403
Atlanta, Georgia 30310

For damages alleged to have been sustained as a result of an unlawful detention and search on September 12, 2000 at an undisclosed location.

THIS ADVERSED REPORT IS APPROVED

BY: 

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0008

Date: August 8, 2001

Claimant /Victim VANESSA MCDERMOTT
BY:(Atty.) Derek M. Wright
Address: 2001 Martin Luther King, Jr. Drive, Suite 403, Atlanta, Georgia 30310
Subrogation: Claim for Property damage \$ Bodily Injury \$ 250,000.00
Date of Notice: 12/20/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 09/12/00 Place: Not Stated
Department Police Division:
Employee involved I. Solomon Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was unlawfully detained and searched by Officer I. Solomon after a traffic stop. However, the claimant has filed a lawsuit to resolve the issues raised in her claim.

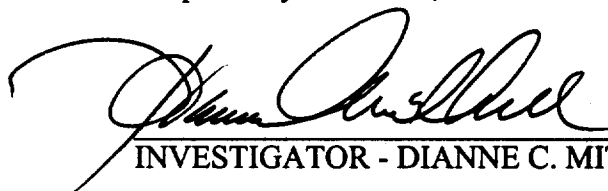
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Derek M. Wright Concur/date 08-10-01
Committee Action: Council Action

THE WRIGHT LAW FIRM, P.C.
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

Derek M. Wright, Esq.
Managing Partner

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M. D. Mitchell
12/28/00
AM
Of-Counsel
Alan M. Shenberg, Esq.
GA, NJ Licensed

Shaun C. Willie, Esq.
GA, Patent Attorney

ENTERED -
01L0008 - DIANNE MITCHELL

December 11, 2000

City of Atlanta Police Department
Beverly J. Harvard, Chief
City Hall East, Ninth Floor
675 Ponce De Leon Ave.
Atlanta, Georgia 30308

City of Atlanta Attorney
Susan P. Langford
City Hall, Suite 4100
68 Mitchell Street
Atlanta, Georgia 30335-0332

City Council of Atlanta
Atlanta City Hall, Suite 2700
55 Trinity Ave. SW
Atlanta, Georgia 30335

VIA REGULAR U.S. MAIL & CERTIFIED U.S. MAIL

RE: Vanessa McDermott vs. City of Atlanta Police Department et al.
Ante Litem Notice

To Whom It May Concern:

My firm has been retained to represent Vanessa McDermott in regards to the above referenced matter.

On or about September 12, 2000, Officer I. Solomon of the City of Atlanta Police Department stopped Ms. McDermott's vehicle without probable cause or reasonable suspicion that a traffic offense had been committed. Ms. McDermott was detained and placed in the back seat of Officer Solomon's patrol vehicle. Officer Solomon asked Ms. McDermott to lift up her shirt to see if there were any drugs on her person. Ms. McDermott stated that she wasn't wearing a bra. Officer Solomon then told her to lift her shirt all the way up and she proceeded. Officer

Solomon ordered Ms. McDermott to show Officer Solomon her waistline and she proceeded. Officer Solomon repeatedly ordered Ms. McDermott to pull her shorts down more.

Ms. McDermott then pulled her shorts down to her thighs. Officer Solomon wrote his personal phone number on his card and told Ms. McDermott to call him later and that he could be reached anytime. Ms. McDermott asked Officer Solomon if there was place that she could use the bathroom. Officer Solomon instructed Ms. McDermott to use the vacant lot to go to the bathroom. While Ms. McDermott was going to the bathroom in front of her vehicle, Officer Solomon moved his vehicle in order to shine his patrol vehicle's headlights on Ms. McDermott as she relieved herself. The conduct of Officer Solomon was outrageous and illegal and violated the constitutional rights of Ms. McDermott under the color of law.

This letter constitutes a request pursuant to O.C.G.A. §33-3-28, for information regarding any policies of insurance which you believe provides or may provide coverage to the City of Atlanta Police Department as well as the individual officers in their professional and individual capacities for the claims of the above listed victims. In this connection, please provide the following information regarding any such insurance policies:

- (a) The name, address and telephone number of the insurer;
- (b) The number of the policy;
- (c) The name and address of each named insured;
- (d) The limits of all applicable coverage, including primary and excess/umbrella the amount (s) of any self-insured retention; and
- (e) The name, address and telephone number of any third person or entity responsible for administering coverage and/or any self insured retention.

In lieu of this information, you may simply provide a copy of the policy, including the Declarations Page. Please provide this information within ten (10) days of your receipt of this notice. Additionally, this letter constitutes formal notice that the following things constitute evidence relevant to above described claims against you and should not be altered or disposed of in any way:

- 1. Documents generated by the City of Atlanta Police Department in regards to this incident on or about September 12, 2000. Documents generated by any internal affairs investigation of this officer and this incident.
- 2. Any audio or videotapes that were recorded the 911-dispatch call or other conversations between law enforcement agents, which occurred either before, during, or after the subject incident.

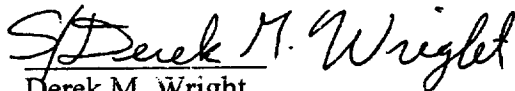
Finally, this letter serves as an ante litem notice that the above listed individuals intend to file suit against City of Atlanta Police Department and others on or before December 31,

Ante Litem Notice
December 11, 2000
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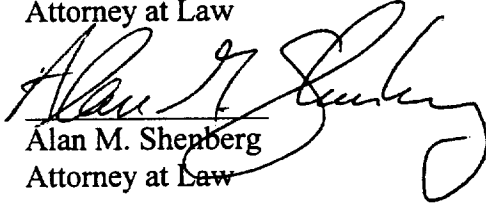
2000. In regards to settlement of the above listed claims, I have been authorized to accept an aggregate settlement in the amount of \$250,000 to settle the claims of my

client. If you seek to adjust these claims and discuss a resolution, please do hesitate to contact my office. If you have any questions or concerns, please contact me at the above listed telephone number and address.

Sincerely,



Derek M. Wright
Attorney at Law



Alan M. Shenberg
Attorney at Law

01-R-1371